

# First Principles.

## NATIONAL SECURITY AND CIVIL LIBERTIES

MAY 1976

VOL. 1, NO. 9

ESPIONAGE LAWS

### In This Issue:

The Espionage Laws: In Need of Reform, p. 3  
CHRISTINE M. MARWICK

Illegal Intelligence Programs: Notifying the Victims, p. 10  
WENDY WATANABE and CHRISTINE M. MARWICK

Reforming the Intelligence Agencies: Recommendations  
of the Senate Select Committee on Intelligence Activities, p. 12

Coming: JUN.: FBI Charter

April 17, 1976 Rep. Bella Abzug, Chairperson of the House Subcommittee on Government Information and Civil Rights, made public a CIA statement revealing that over 60% of the agency's job applicants from 1963 through 1974 were rejected on the basis of polygraph (lie-detector) interviews. She has introduced legislation which would make it a criminal offense to administer polygraph tests in connection with federal government jobs. (*New York Times*, 4/18/76, p. 1.)

April 24, 1976 An FOIA suit has revealed that the contents of a briefcase stolen from the 1968 Socialist Workers Party presidential candidate, Fred Halstead, turned up in the hands of the FBI. Halstead believes FBI account --that the briefcase was found by an unidentified source and then surrendered to the FBI--to be a cover story. (*New York Times*, 4/25/76, p. 28)

April 29, 1976 On the basis of a 5-month review in the Department of Justice, Attorney General Levi announced that evidence was found indicating that the FBI undertook a systematic plan of harassment of Dr. Martin Luther King, Jr., but that there was no basis for believing that the Bureau either failed to make a thorough investigation of or was involved in his assassination. He ordered a second investigation by the Justice Department Office of Personal Responsibility.

### In The News

April 2, 1976 *Weinstein v. Levi* (D.D.C. 2278-72) Order. In an FOIA suit for the Hiss papers, Chief Judge Jones issued an order requiring "a proper index accurately and separately describing in detailed, non-conclusory terms each and every document withheld from the plaintiff in whole or in part." With regard to material claimed to be exempt under the natural security exemption (b)(2) defendants are directed to provide "specific factual and evidentiary material accurately and adequately describing in non-conclusory terms the nature of the document, [proof of proper classification] . . . , and the reasons why it must continue to remain classified and at what level."

April 20, 1976 *Zweibon v. Mitchell*, No. 75-1056; *Barrett v. Zweibon*, No. 75-1046; *Mitchell v. Zweibon*, No. 75-1059. The Supreme Court declined to review a decision by the D.C. Circuit which held that warrants must be obtained for a government wiretap on a domestic organization that is neither the agent of, nor acting in collaboration with, a foreign power. The case, *Zweibon v. Mitchell*, 516 F.2d 594 (1975), now returns to the U.S. District Court for further proceedings.

### In the Courts

*It is at all times necessary, and more particularly so during the progress of a revolution and until right ideas confirm themselves by habit, that we frequently refresh our patriotism by reference to first principles.*

THOMAS PAINE